

The Honorable Robert S. Lasnik

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON

Firs Home Owners Association,

Plaintiff,

v.

City of SeaTac, a Municipal Corporation,

Defendant.

NO. 2:19-cv-01130-RSL

DECLARATION OF KRISTINA  
GREGG

Pursuant to 28 U.S.C. § 1746, I, KRISTINA GREGG, state and declare under penalty of perjury as follows:

1. I am City Clerk at the City of SeaTac. I have held this position for 13 years.

This declaration is based on my own personal knowledge.

2. I have reviewed the special and regular meeting agendas and minutes for the SeaTac City Council agendas between October 2016 and June 2018. No matter relating to the Firs Mobile Home Park came before the SeaTac City Council between October 2016 and June 2018. The SeaTac City Council did not make any decisions (legislative or otherwise) on any matter relating to the Firs Mobile Home Park between October 2016 and June 2018.

DECLARATION OF KRISTINA GREGG – 1  
NO. 2:19-cv-01130-RSL

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1  
2 3. I have reviewed the first amended complaint ("FAC") filed by the plaintiff in  
3 this lawsuit. At paragraph 3.23, the plaintiff alleges that it is "a policy or practice of the City  
4 of SeaTac to provide certified language interpreters at 'official' meetings hosted or  
5 conducted by the City[.]" This allegation is untrue. It is not and has never been a policy or  
6 practice of the City of SeaTac to provide certified language interpreters at meetings hosted  
7 or conducted by the City, to include meetings of the SeaTac City Council. The SeaTac City  
8 Council convenes regular business meetings, special meetings, town hall meetings, and  
9 study sessions in English without certified language interpreters.  
10

11 4. In 2016, the City received a request for a Spanish language interpreter at a  
12 City Council meeting. At that time, the City did not have a formal policy on this issue. In  
13 an effort to see what other cities were doing, I sent an email to my colleagues at the City of  
14 Federal Way, the City of Burien, the City of Renton, and the City of Auburn. They all  
15 responded that their city either did not provide interpreters or had not receives a request for  
16 interpreter services at a council meeting. True and correct copies of my email inquiry and  
17 the responses I received are attached hereto as Exhibit 1.  
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19 5. The City has been willing to provide certified interpreter services at some  
20 town hall meetings, particularly when it is known that such services may be requested. For  
21 example, the City hired a court approved Somali interpreter to be available at a special  
22 meeting in August 2018.  
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24 6. At paragraph 3.66 of the FAC, the plaintiff alleges that former Mayor  
25 Michael Siefkes told residents of the Firs Mobile Home Park at a December 12, 2017,  
26 special council meeting that "Firs is not on the agenda tonight" and "we will not be taking  
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2 public comment on things like the Firs tonight." A true and correct copy of the December  
3 12, 2017, special meeting agenda is attached as Exhibit 2.

4           7.       The December 12, 2017, meeting was a "special meeting" of the SeaTac City  
5 Council, as that phrase is used in Washington's Open Public Meetings Act, Ch. 42.30 RCW.  
6 The OPMA prohibits governing bodies such as the SeaTac City Council from taking action  
7 on matters not listed on a special meeting agenda. RCW § 42.30.080(3). The SeaTac City  
8 Council does not allow public comment at special council meetings unless that public  
9 comment pertains to an agenda item. This was the general practice in 2016 and 2017 and  
10 has now been adopted as an administrative procedure governing special council meetings.  
11 The administrative procedures state: "Public comment must be related to the items on the  
12 agenda and speakers must sign up PRIOR to the meeting." This policy, and the practice  
13 before it, endeavor to protect the SeaTac City Council from inadvertently taking action on a  
14 matter not on the agenda and thereby potentially running afoul the OPMA.  
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17           8.       No matter pertaining to the Firs Mobile Home Park was on the December 12,  
18 2017, special meeting agenda. (*See* Exhibit 2). The comments attributed to former Mayor  
19 Michael Siefkes in paragraph 3.66 of the FAC reflect that the Firs Mobile Home Park was  
20 not on the meeting agenda and that, pursuant to the City's general practice, the SeaTac City  
21 Council would not allow public comment on matters relating to the Firs Mobile Home Park  
22 at the December 12, 2017, special meeting.  
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24           9.       The FAC also alleges at paragraph 3.44 that City staff removed the sign-up  
25 list for public comment when members of the Firs Homeowners Association arrived at a  
26 council budget workshop on November 3, 2016. It was in November 2016, and remains  
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2 today, a City practice to remove the public comment sign-up sheet directly before a public  
3 meeting convenes and deliver the sign-up sheet to the mayor. This is done so the mayor can  
4 call by name those people who would like to provide a public comment.

5  
6 10. In November 2016, members of the public were generally allowed to provide  
7 comment even if they did not write their name on the public comment sign-up sheet. As a  
8 matter of practice, the SeaTac City Council would first allow public comment from  
9 individuals who had signed the public comment sign-up sheet. After going through the sign-  
10 up sheet, the mayor would ask if any other members of the public wanted to speak. Anyone  
11 who wanted to provide a public comment was usually allowed to do so. This practice  
12 changed in March 2019. Under the current policy, people who fail to sign up before a  
13 meeting convenes are not allowed to provide a public comment.  
14

15 11. Regardless of whether residents of the Firs Mobile Home Park did or did not  
16 sign the public comment sign-up sheet, the November 3, 2016 budget workshop was a  
17 "special meeting" for purposes of the OPMA. A true and correct copy of the agenda is  
18 attached as Exhibit 3. No items relating to the Firs Mobile Home Park were on the meeting  
19 agenda. For that reason, the City Council would not generally have allowed public  
20 comment on matters relating to the Firs Mobile Home Park at the November 3, 2016 budget  
21 workshop.  
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23 12. At paragraph 3.62 of the FAC, the plaintiff alleges that former Police Chief  
24 Lisa Mulligan took a sign-up sheet away from an individual at the November 28, 2017,  
25 SeaTac City Council meeting and stated "this meeting isn't for you." I have no idea whether  
26 this allegation is or is not true. However, the November 28, 2017, meeting was a "special  
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2 meeting" of the SeaTac City Council. A true and correct copy of the agenda is attached as  
3 Exhibit 4. No matter relating to the Firs Mobile Home Park was on the agenda. For this  
4 reason, the SeaTac City Council would not generally have allowed public comment on  
5 matters relating to the Firs Mobile Home Park at the November 28, 2017, special meeting.  
6 That being said, I have reviewed the minutes from that meeting, a true and correct copy of  
7 which is attached as Exhibit 5. The minutes reflect that two people (Nancy Seguis and  
8 Maria Villagomez) were allowed to give public comment about the Firs Mobile Home Park  
9 even though it was not on the special meeting agenda. I do not know why this occurred but  
10 it was inconsistent with the general practice of the SeaTac City Council at that time.  
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13 13. I am advised that during a Rule 30(b)(6) deposition, the HOA has alleged that  
14 the City cancelled or postponed meetings of the SeaTac City Council in order to prevent  
15 residents of the Firs Mobile Home Park from speaking at meetings. This is erroneous. I  
16 have reviewed City files relating to council meetings from October 2016 through June 2018  
17 and find that no meetings were postponed and no meetings were cancelled. On some  
18 occasions where the Council had scheduled a study session in addition to a regular council  
19 meeting, the meetings were combined into one special meeting in order to start the regular  
20 council meeting earlier, but the meetings were not cancelled.  
21

22 14. Finally, the City Council Administrative Procedures in place during 2016  
23 (and now) provide at Section 10(F) as follows: "Councilmembers shall not attempt to  
24 coerce or influence staff in the selection of personnel, the awarding of contracts, the  
25 selection of consultants, the processing of development applications or the granting of City  
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licenses or permits." A true and correct excerpt of the City Council Administrative Procedures in place during 2016 is attached hereto as Exhibit 6.

I declare under penalty of perjury under the laws of the State of Washington that the foregoing declaration is true and correct.

DATED THIS 11<sup>th</sup> day of December 2020, at SeaTac, Washington.

  
KRISTINA GREGG

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CERTIFICATE OF SERVICE

I hereby certify that on March 4, 2021, I filed the foregoing with the Clerk of the Court using the CM/ECF System, which will send notification of such filing to the following:

V. Omar Barraza	<a href="mailto:omar@barrazalaw.com">omar@barrazalaw.com</a>
Christina L. Henry	<a href="mailto:chenry@hdm-legal.com">chenry@hdm-legal.com</a>
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and I hereby certify that I have mailed by United States Postal Service the document to the following non-CM/ECF participants:

None.

s/ QUINN N. PLANT  
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